

**MINUTES
TOWN OF EDGEWOOD
REGULAR COUNCIL MEETING – OCTOBER 21, 2009 @ 6:30 P.M.
EDGEWOOD COMMUNITY CENTER - #27 E. FRONTAGE ROAD**

1. CALL TO ORDER.

Mayor Stearley called the meeting to order at 6:30P.M. All Councilors were present. Also present was Ms. Karen Mahalick A.I.C.P., Administrator, Ms. Estefanie B. Muller, Clerk-Treasurer, and Mr. Marcus Rael, Town Attorney.

2. PLEDGE OF ALLEGIANCE.

3. APPROVAL OF AGENDA.

MOTION: Councilor Simmons made a motion to approve the Agenda as presented. Councilor Felton seconded the motion.

VOTE: Councilor Abrams voted aye. Councilor Felton voted aye. Councilor Simmons voted aye. Councilor Hill voted aye. The motion carried.

4. APPROVAL OF CONSENT AGENDA.

- a. Regular Council Meeting Minutes of October 7, 2009.
- b. Acknowledge Receipt of Planning & Zoning Commission Meeting Minutes of October 5, 2009.
- c. Acknowledge Receipt of Animal Control Report for September, 2009.
- d. Acknowledge Receipt of Parks & Recreation Report for September, 2009.
- e. Acknowledge Receipt of the Police Report for September, 2009.
- f. Acknowledge Receipt of the Library Report & Board Minutes for September, 2009.

MOTION: Councilor Simmons made a motion to approve the Consent Agenda with the removal of Item F for discussion. Councilor Hill seconded the motion.

VOTE: Councilor Hill voted aye. Councilor Simmons voted aye. Councilor Felton voted aye. Councilor Abrams voted aye. The motion carried.

f. Library Report.

Councilor Simmons discussed the painting of the Handicap signs for the parking lot.

Ms. Mahalick responded that she had ordered signs to be placed in the parking lot instead of painting.

Councilor Hill stated he understood that ADA requires both signs and painted areas for compliance and that the landlord does not have any authority and asked for Mr. Rael's opinion.

Mr. Rael responded that the Town did not have an option and would have to comply with the ADA standards.

Mayor Stearley stated he would like the Handicap parking to be on the south side of the building where it is paved and signs could be posted and the spots painted. He asked Staff to move forward in making this happen.

Ms. Mahalick stated she would act on this immediately.

MOTION: Councilor Hill made a motion to acknowledge receipt of the Library Report & Board Minutes for September 2009. Councilor Simmons seconded the motion.

VOTE: Councilor Abrams voted aye. Councilor Felton voted aye. Councilor Simmons voted aye. Councilor Hill voted aye. The motion carried.

5. MATTERS FROM THE MAYOR.

a. Certificate of Appreciation for Mr. Joshua Young, Volunteer Trail & Sign Builder for Section 34. Mayor Stearley presented Mr. Joshua Young with a certificate of appreciation.

6. MATTERS FROM THE COUNCILORS and/or ANNOUNCEMENTS.

Councilor Simmons discussed bringing in the American Flag at the Town offices at 5:00P.M. every evening since it is not lit up at night.

Ms. Mahalick stated that the Town had a solar light and a back-up that was just installed last week and that she would check on it tonight to make sure that the lighting was sufficient.

Councilor Abrams discussed the flag ceremony that would be held to November 11, 2009 and stated Scout Group 640 was requesting the Town's participation.

Councilor Simmons asked for an update on the sink hole in front of Wal-mart.

Ms. Mahalick responded NMDOT was in the process of figuring out how to fund the repairs and that it was not a result of the waste water line.

7. MATTERS FROM THE ATTORNEY.

None at this time.

8. E.V.E.D.A. QUARTERLY REPORT – Ms. Myra Pancrazio.

Mr. David Douchet vice president on the executive board thanked the Town for its support and stated they were continuing their efforts to bring economic development to the area.

Ms. Myra Pancrazio presented the quarterly report and discussed some alternative energy projects that they are encouraging in the area.

Mayor Stearley asked about a line item regarding roads in Estancia.

Ms. Pancrazio responded that Estancia was looking at funding for a paving a portion of Highway 41.

Councilor Simmons asked about the fiber optic ring.

Ms. Pancrazio explained that it was a challenge because of the regional aspects of it and getting all the governmental agencies together could be difficult. She added that they had been directed to approach the co-op directly and they also distributed a survey to area residents and businesses and that now they were in the broadband funding portion of the process.

9. APPROVAL TO HIRE-Edgewood Police Chief

Mayor Stearley presented this item to the Council and asked for their approval on his appointment of Mr. James Daniels as Chief of Police for the Town of Edgewood.

MOTION: Councilor Abrams made a motion to approve the hiring of James T. Daniels as Chief of Police. Councilor Felton seconded the motion.

VOTE: Councilor Hill voted aye. Councilor Simmons voted aye. Councilor Felton voted aye. Councilor Abrams voted aye. The motion carried.

10. MATTERS FROM THE ADMIN/PLANNER.

a. Award of Bid for Base Course, Binder Material & Hauling.

Ms. Mahalick reviewed this item for the Council stating that the recommendation was to award the bid to Moriarty Concrete Products and asked for their approval.

MOTION: Councilor Hill made a motion to award the Bid to Moriarty Concrete Products for the base course, binder and hauling. Councilor Abrams seconded the motion.

VOTE: Councilor Abrams voted aye. Councilor Felton voted aye. Councilor Simmons voted aye. Councilor Hill voted aye. The motion carried.

b. Water Service for Section 16 Municipal Areas.

Ms. Mahalick reviewed this item and stated that Councilor Hill had some suggestions.

Councilor Hill requested that a task force be charged with finding the best way to get water service to Section 16 and then present their findings to the Council.

Mayor Stearley appointed Ms. Mahalick, and Councilors Simmons and Hill to the task force.

c. Request from Library Board to amend the donation policy and surplus book procedure.

Ms. Mahalick reviewed this item for the Council stating that the copy before them was a draft and would need to go back to the Library Board then through the Attorney before it comes back to Council for approval. She added that this would avoid issues of anti-donation on the part of the Library.

Councilor Hill asked for clarification of the Libraries mission.

Mr. Rael stated that this M.O.U. would remedy any issues that the auditor would have regarding anti-donation since the funds never leave the public arena.

Ms. Mahalick added there would be statements of accountability provided to the Council.

d. Policy pertaining to Minutes of Meetings of the Governing Body & Commission.

Ms. Mahalick reviewed this item for the Council stating that this policy has been amended to include the Planning & Zoning Commission as they hear quasi-judicial hearings as well. She discussed some of the other changes that had been made to update the policy.

MOTION: Councilor Hill made a motion to adopt the policy as presented. Councilor Abrams seconded the motion.

VOTE: Councilor Abrams voted aye. Councilor Felton voted aye. Councilor Simmons voted aye. Councilor Hill voted aye. The motion carried.

e. Update on Santa Fe County JPA – Wastewater.

Ms. Mahalick updated the Council on this item stating that an invoice for \$400,000.00 was sent to Santa Fe County. She added that the JPA included an opportunity for amendment and a meeting is scheduled with Commissioner Anaya on November 10, 2009.

Ms. Mahalick stated she would post the notice that a quorum may be present.

11. PUBLIC COMMENTS. (Limit to 2 minutes per person).

Note: If you plan to testify under Public Hearings, please do not sign up for this topic.

Ms. Carol Ring urged everyone to buy a brick to support Discovery Park.

Councilor Hill requested that the bricks be purchased from a manufacturer that is as local as possible.

12. REVIEW OF THE PARKS & RECREATION ADVISORY COMMITTEE ORDINANCE NO. 2007-14.

Councilor Felton discussed some of the reasons he felt it was important to revisit these subcommittees and their creation. He also discussed some revisions that Ms. Mahalick had made to the Resolution as a means to firm up the boundaries and functions of these committees.

Mayor Stearley clarified that these committees were formed and terminated by the Advisory Committee and that they will be managed by Mr. Holden and Ms. Mahalick.

Councilor Felton stated the subcommittees are chaired by a member of the Advisory Committee and this person should fully understand the purpose of the sub committee.

Ms. Mahalick stated she would post this for a public hearing if the Council approved of the changes outlined.

Mr. Holden discussed the placement of members into replacement positions and the duration of those terms.

Ms. Mahalick presented the language describing the fulfillment of an existing term by a replacement member.

Council discussed the possibility of assigning a standard time for all committee meetings as well as communication between the Committees and the Governing body.

Mayor Stearley outlined the changes the Council requested.

Ms. Mahalick stated she would revise the Resolution and bring it to the second meeting of November for approval.

13. PRESENTATION OF RECREATIONAL PROGRAMS – Ms. Audrey Jaramillo.

a. Formation of a committee.

Ms. Jaramillo discussed the information she had provided at the last Council Meeting that included a summary of Grants for consideration and recommendations regarding these grants. She also presented information for before and after school programs that are in place in other towns and cities.

Councilor Simmons asked about the accessibility of the grants at this time.

Ms. Jaramillo stated that at this time she was seeking permission to apply for the grants.

Ms. Mahalick clarified the Town does not allow committees to apply for the grants directly but they could present the information to Town for review.

Councilor Abrams suggested the Council consider instating a policy for commissioning grants through committees. He added that part of the Towns obligation would be the administration of these grants.

Mayor Stearley agreed that some written guidelines and policies would be helpful and requested the Town Attorney assist in the effort.

Councilor Felton discussed the need for the grants and committees to being associated with a municipal department. He added that a finished application should not come from a committee but rather a specific department.

Ms. Jaramillo stated the committee was seeking direction before they put all this work into the grants.

Councilor Felton stated that he felt it may be more appropriate if these were cooperative efforts with the school district being the applicant and not the Town.

Councilor Simmons stated the school board had made it clear that they are not interested in being the lead agencies on these grants.

Mayor Stearley suggested the Council proceed with the committee and the guidelines.

Councilor Felton suggested beginning the collaboration now and getting members of the school board involved on the committee.

Ms. Jaramillo stated that she had been working with the school board from the beginning. She added that she had teachers, parents and principals on the committee.

Ms. Mahalick clarified there is still a Parks & Recreation subcommittee.

Mayor Stearley stated that he would defer to Ms. Mahalick regarding Mr. Holden attendance at the subcommittee meetings.

Councilor Hill suggested the committee meet as a subcommittee and then make a recommendation to the Council with staff input.

Ms. Mahalick stated the grant writing policy would apply to all committees. She also clarified the next few steps in the process for Ms. Jaramillo as well as who comprised the original committee.

14. CONTINUED DISCUSSION FOR THE BOND QUESTION ON THE ELECTION RESOLUTION.

Ms. Mahalick reviewed this item for the Council describing the difference between major arterial and collector roads.

Mayor Stearley asked if current traffic counts were available.

Ms. Mahalick stated they would need to be taken again.

Councilor Hill discussed creating a formula that would include the number of houses, traffic counts and other applicable factors to determine which roads have the most need for improvement.

Ms. Mahalick discussed the classification standards and stated they were based on traffic volumes.

15. PUBLIC HEARINGS.

Legislative Procedure: Certification that Public Notice of this Meeting has been posted as required:

Ms. Mahalick certified that public notice had been posted as required.

- a. 2009 Amendments to the 2004 Compilation of the Uniform Traffic Ordinance by the New Mexico State Legislature. (Town Ordinance No. 2008-01). Amendments are for Article 7 – Special Rules for Motorcycles and Off-Highway Vehicles and Article 12 – Penalties and Procedures on Arrest.

Mayor Stearley opened the public hearing and read the portions to be adopted.

MOTION: Councilor Felton made a motion to adopt Article 7. Councilor Simmons seconded the motion.

VOTE: Councilor Abrams voted aye. Councilor Felton voted aye. Councilor Simmons voted aye. Councilor Hill voted aye. The motion carried.

MOTION: Councilor Felton made a motion to adopt article 12. Councilor Abrams seconded the motion.

VOTE: Councilor Abrams voted aye. Councilor Felton voted aye. Councilor Simmons voted aye. Councilor Hill voted aye. The motion carried.

Mayor Stearley Closed the public hearing.

16. RESOLUTIONS.

- a. Resolution No. 2009-39 – Opposing Legislation Granting Repealing the Hold Harmless Provision.

Mayor Stearley reviewed this item for the Council and discussed the impact to the Towns budget if this passed through legislation.

MOTION: Councilor Simmons made a motion to adopt Resolution 2009-39. Councilor Abrams seconded for discussion.

Councilor Simmons stated that the House Bill date and number needed to be placed on the Resolution. Ms. Mahalick stated this was draft from the Municipal League, it is for House Bill 625 and Fiscal Year 2010.

Councilor Hill stated the Resolution should include the name of the Act rather than the House Bill. Council discussed changing some of the language to the Resolution.

MOTION: Councilor Hill amended his motion to remove the first 4 “Whereas” sections. Councilor Felton seconded the motion.

VOTE: Councilor Abrams voted aye. Councilor Felton voted aye. Councilor Simmons voted aye. Councilor Hill voted aye. The motion carried.

17. DISCUSSION AND REVIEW OF A POLICY FOR EX-PARTE COMMUNICATION.

Mayor Stearley reviewed this item for the Council and discussed the document that Ms. Mahalick had presented from the Municipal League. He read portions of the policy for the Council.

Mr. Rael stated that he would like to rework this to make it more manageable and meet the Councils concerns.

Councilor Hill stated there may be some benefit to going by a script and it would be great if Mr. Rael could do some work on it first to make it as simple as possible.

Council discussed some of the changes they would like Mr. Rael to make as well as some of the circumstances that present ex-parte situations requiring a member to recuse themselves.

Mr. Rael suggested the Council follow the Rules of Professional Conduct that guides Judges and Attorneys and presented an example.

Councilor Hill outlined the difference between the Council serving in its legislative capacity and serving in it’s quasi-judicial capacity. Personal opinions do not matter. All that matters is what law to apply to the facts of the case and nothing more.

Mr. Rael clarified when the Council is serving in a quasi-judicial capacity they may only consider the evidence presented at the hearing.

Ms. Mahalick stated this policy would be applied to the Planning & Zoning Commission as well.

18. FINANCE & ADMINISTRATION.

a. Approval of Town Bills.

Mayor Stearley presented this item for the Council.

MOTION: Councilor Simmons made a motion to approve the Town Bills. Councilor Felton seconded the motion.

VOTE: Councilor Abrams voted aye. Councilor Felton voted aye. Councilor Simmons voted aye. Councilor Hill voted aye. The motion carried.

b. Approval of the Financial Report for the month of September, 2009.

MOTION: Councilor Abrams made a motion to approve the Financial Statement. Councilor Felton seconded the motion.

Mayor Stearley asked about the Capital Projects funds

Ms. Mahalick clarified this line item was for the athletic facilities on Section 16 and she would apply for the reimbursement of these funds.

Councilor Hill stated the math on the Impact Fee Escrow Fund did not work.

Ms. Mahalick agreed there was an issue and she would review it and bring back the correct amount for Council.

MOTION: Councilor Hill made a motion to table this item to the next meeting. Councilor Abrams seconded the motion.

VOTE: Councilor Abrams voted aye. Councilor Felton voted aye. Councilor Simmons voted aye. Councilor Hill voted aye. The motion carried.

19. ANNOUNCEMENTS & CALENDAR REVIEW.

a. Regular Council Meeting November 4, 2009.

b. Regular Council Meeting November 18, 2009.

Mayor Stearley reviewed the upcoming meetings for the Council.

Ms. Mahalick stated there was a meeting November 9, 2009 at 10:00 AM for the Boundary Commission regarding the infill annexation.

Mayor Stearley invited the Councilors to attend.

Ms. Muller reminded the Council and public of the events taking place on Section 34 this Saturday. She added that Mr. Holden would be accepting an award on behalf of the Town for the Keep New Mexico Beautiful Grant Project this Saturday as well.

20. FUTURE AGENDA ITEMS.

a. Public Hearing – Ordinance on Establishing a Penalty Assessment Program.

Mayor Stearley reviewed this item for the Council.

21. ADJOURN.

MOTION: Councilor Simmons made a motion to adjourn.

VOTE: All Councilors voted aye. The motion carried.

Mayor Stearley adjourned the meeting at 9:05 P.M.

PASSED, APPROVED and ADOPTED this 21st day of October, 2009

Honorable Robert Stearley, Mayor

ATTEST:

Estefanie B. Muller, Clerk-Treasurer